

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether Products  
Liability Litigation**

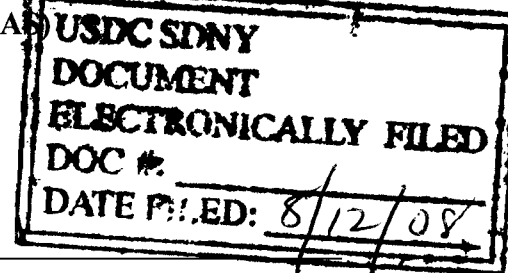
**This document pertains to:**

*City of New York v. Amerada Hess Corp., et al.*, Case  
No. 04-CV-3417

Master File No. 1:00-1898

MDL 1358 (SAS)  
M21-88

Civil Action



**STIPULATION DISMISSING ALL CLAIMS AGAINST DUKE ENERGY  
MERCHANTS, LLC**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Plaintiff City of New York and Defendant Duke Energy Merchants, LLC ("DEM"), hereby request that the Court enter this voluntary dismissal with prejudice of all claims against DEM as set forth in the Plaintiff's Fourth Amended Complaint, filed on March 9, 2007. The Parties agree to the dismissal and that such dismissal is with prejudice, with each party bearing its own attorney's fees and costs. Plaintiff reserves all other rights as against all other defendants.

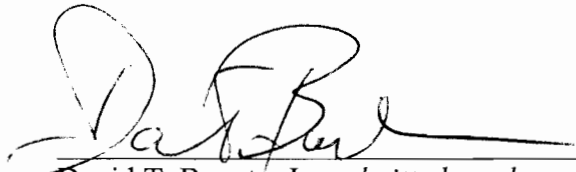
Dated: August 6, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York

A handwritten signature in black ink, appearing to read "Scott Pasternack".

Scott Pasternack (SP3293)  
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*Attorneys for Duke Energy Merchants, LLC*

Dated: Aug. 12, 2008

SO ORDERED:



The Honorable Shira A. Scheindlin  
United States District Judge



**CERTIFICATE OF SERVICE**

I hereby declare under penalty of perjury that a true copy of the Stipulation Dismissing All Claims Against Duke Energy Merchants, LLC was served electronically on all counsel of record via Lexis-Nexis File and Serve on the 11<sup>th</sup> day of August 2008.

A handwritten signature in black ink, appearing to read "Scott Pasternack", is written over a horizontal line.

Scott Pasternack